

### **REMARKS**

Applicants acknowledge the Examiner's determination that claims 25 and 32-35 would be allowable if rewritten in independent form including all the limitations of the base claim and intervening claims. Applicants submit herewith amendments to the claims that are believed to place the application in condition for allowance. More particularly, claims 14 and 15 have been amended to incorporate the limitations of previous claims 23 and 25, and claim 27 has been amended to incorporate the limitation of previous claim 32. Claims 23, 25, 31 and 32 have been canceled and claims 22, 26, 28, 30 and 33 have been amended consistent with the amendments to the independent claims. Claims 14, 15, 22, 26-30 and 33-35 remain pending.

Applicants acknowledge that these amendments are being made after final rejection, and that entry of amendments after final are made at the Examiner's discretion. However, the amendments to the claims are believed to fully address the Examiner's objections and to focus on the subject matter the Examiner has indicated is allowable. Applicants respectfully request entry of the amendments and consideration of the following remarks.

Claims 27-28 stand rejected under 35 USC 102(e) as being anticipated by Smith et al (US 2004/0131753). Applicants respectfully traverse this rejection. However, to advance the prosecution of this application, applicants have amended claim 27 to incorporate the limitations of claim 32 thus rendering the rejection moot.

Claims 14-15, 22-23, 26-31 stand rejected under 35 USC 102(e, b) as being anticipated by Glatkowski et al. Applicants respectfully traverse this rejection. However, to advance the prosecution of this application, applicants have amended claims 14 and 15 to incorporate the limitations of claims 23 and 25. Furthermore, independent claim 27 has been amended to incorporate the limitations of claim 32. The amendments to independent claims 14, 15 and 27 are believed to render the rejection moot.

Claims 14, 15, and 27-28 stand rejected under 35 USC 102(e) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over Mattson et al (US 6,670,179). Applicants respectfully traverse this rejection. However, to advance the prosecution of this

application, applicants have amended claims 14 and 15 to incorporate the limitations of claims 23 and 25 to further distinguish over the teachings of the cited reference.

Applicants have discovered that unique nanofibers and nanotubes formed from composite materials have surprising properties for stimulating neural tissue adhesion and proliferation. Mattson et al is devoid of any teaching or suggestion regarding the use of a polymer matrix-carbon nanofiber composite as a coating on a neural implantable device. Smith is simply limited to a composition that is based on the use of carbon nanotubes as a substrate for cells. Applicants respectfully submit one of ordinary skill in the art would not consider a cell culture substrate (e.g., a petri dish, glass coverslip, slide...) as an "implantable device" as that term is commonly understood. There is no teaching or suggestion of the use of the novel composites of the claimed invention as a neurological implantable material.

Accordingly, applicants respectfully submit the Mattson reference fails to teach or suggest applicants' use of the unique compositions as claimed in the amended claim set. Therefore, applicants respectfully request the withdrawal of the rejection of claims 14, 15, and 27-28 based on Mattson et al.

The claimed invention, as amended herein, is believed to be narrowly tailored to the subject matter the Examiner has indicated as being allowable. Applicants respectfully request allowance of the claims, and passage of the application to issuance. If any further discussion of this matter would speed prosecution of this application, the Examiner is invited to call the undersigned at (434) 220-2866.

Respectfully submitted,



John P. Breen  
Registration No. 38,833  
Attorney for Applicants

(317) 261-7940  
Indianapolis, Indiana 46204